

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD E. SIRGINSON,

Plaintiff,

v.

KERRY IVEY,

Defendant.

Case No. C04-1879L

ORDER GRANTING
MOTION TO COMPEL

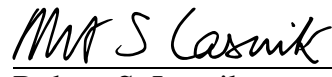
This matter comes before the Court on a motion filed by defendant Kerry Ivey to compel plaintiff to provide initial disclosures. (Dkt. #18).

Defendant alleges that plaintiff has not provided his initial disclosures, though the Court ordered that they be exchanged by April 7, 2005. See Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement. (Dkt. #11). Because plaintiff has provided no excuse for failing to serve his initial disclosures as required, the Court GRANTS defendant's motion to compel (Dkt. #18). Plaintiff shall provide his complete initial disclosures to defendant within five days of the date of this order.

Defendant requests that the Court impose sanctions for plaintiff's failure to comply with this Court's order. Plaintiff has not shown that his failure was substantially justified, or that other factors would make the imposition of sanctions unjust. In fact, plaintiff has not responded

1 to this motion, which the Court takes as an admission that it has merit. See Local Rule 7(b)(2).
2 Furthermore, it appears that plaintiff's counsel has purposefully evaded defendant's counsel's
3 attempts to confer in good faith regarding the issue, which plainly violates both the letter and the
4 spirit of the Local Rules. Accordingly, the Court awards defendant her reasonable attorney's
5 fees and costs incurred in attempting to contact plaintiff's counsel regarding the overdue
6 disclosures and in filing the motion to compel. Defendant is directed to file, within 20 days of
7 the date of this Order, a statement of her reasonable fees and costs. Plaintiff and his counsel
8 shall be jointly responsible for paying the amount of fees and costs.

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10 DATED this 16th day of May, 2005.

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13 Robert S. Lasnik
14 United States District Judge
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